

**Minutes
State Board of Education
Monday, June 30, 2003**

The Arizona State Board of Education held its monthly meeting at the Arizona Department of Education, 1535 W. Jefferson, Phoenix, 85007. This meeting began at approximately 9:05 am.

Members Present

Dr. Wade McLean; President
Ms. Nadine Mathis-Basha; Vice President
Dr. Michael Crow
Dr. Matthew A. Diethelm
Ms. Conkie Hoover
Superintendent Tom Horne
Ms. JoAnne Hilde
Ms. Catherine Kasper

Members Absent

Ms. Armida G. Bittner

Board Business

Pledge of Allegiance and Moment of Silence

Minutes, March meeting

Dr. McLean introduced the item. Ms. Basha made the motion to approve the minutes and the executive session minutes from the May 19, 2003 meeting. Dr. Diethelm seconded. No discussion. Approved.

President's Report

Dr. McLean restated that for the Call to the Public session of this meeting, the forms must be turned in prior to the agenda item's discussion. Dr. McLean publicly affirmed that he was pleased with the compromised K-12 budget that was passed by the state Legislature this session and would like to thank Governor Napolitano for all of her efforts to save classroom funding. Further, Dr. McLean stated that he was pleased with the Executive Director's hard work on compiling budget projections for the Board, as this has never been done before, and that the Board looks forward to discussing this further at the August 25th meeting. Finally, Dr. McLean reported on the Executive Director Performance Evaluation tool that Ms. Basha, Mr. Horne and himself will be working on for Ms. Farley and that the evaluation recommendations will be brought before the Board in August.

Superintendent's Report

Superintendent Horne reported that Deputy Superintendent of Public Instruction, Ms. Tacy Ashby, would be out of the office as she finishes her Doctorate in Education, and Ms. Margaret Garcia Dugan will be the contact for all questions and/or information. Additionally, the Superintendent asked that Ms. Garcia Dugan introduce the two new Associate Deputy Superintendents; Kathy Wiebke (Title II, Title IID) and Sandra Hopkins (NCLB, Title V); to the Board. He publicly recognized that former state Senator Ed Cirillo was in the audience as well as a Dean from the state College of Education. He applauded the work of ASU with K-12 and for their support of the State Board of Education.

Board Member Reports

Ms. Basha reported on last week's WestEd meeting and how the conference revolved around the issue of funds, i.e. is there enough funding for education but it is not getting to the appropriate venues or is there not enough funding and the states need to reevaluate their taxing systems.

Dr. Diethelm reported on the ABEC meeting where the group discussed Texas' education business partnership and policies for their statewide education system. ADE was also at this meeting presenting activities on the following goals of ABEC: reading proficient by grade 3, 8th Grade Promotion, and High School Graduation with challenging coursework. Additionally, Dr. Diethelm stated that ABEC discussed the requests to support/oppose

certain legislation or other organizational activities in a short amount of time. ABEC decided they would not rush into an opinion.

Ms. Hilde stated her concerns about Special Education, IDEA, and NCLB requirements for testing at age level versus instructional level. Further, that as constituents and as Board members, we all need to write our Senators and state to them the importance of the IDEA reauthorization and the testing constraints.

Dr. McLean stated that he would work on a draft letter with the Superintendent who will recruit the assistance of Associate Deputy Superintendent of Federal Programs, Doug Nick, who has knowledge and contacts with this situation.

Ms. Hoover updated the Board on the dissipation of the State Community College Board as of June 30, 2003. She stated that according to State Constitution and State Statute a member of the State Board of Education shall be a member representing the State Community College Board and that after discussions with the Governor's Office of Boards and Commissions, Ms. Hoover stated, that she will be grandfathered in as a member of the SBE until these pieces of legislation change.

Director's Report

Rules Update and Review: Ms. Farley stated that staff met with the Attorney General's Office working to move our rules packages through the review system in a timely and efficient manner, and commends the work of the Attorney General's office in this process. Ms. Farley reported on the ELL rules and that the Board will meet in executive session this afternoon to receive legal advice on this rules package. Additionally, she informed the Board that staff currently has two rules packages concerning ESS and CTE certification over at the Attorney General's office awaiting review and will be informed as to their status later next month. Ms. Farley stated that staff is working on several other rules packages as required by statute, including alternative project delivery methods, online bidding, and Braille literacy, as well as other rules packages at the request of education constituencies.

Certification Task Force Update: Ms. Farley then briefed the Board on the Certification Task Force and the rules process that the Department and the State Board staff are actively working on. The Certification Task Force subcommittee members have been named and will be meeting tomorrow and Wednesday. The morning session will be for public comment and then move into each subcommittee for the priority of developing a state tool to recognize current Arizona teachers under the requirements of NCLB for highly qualified status. Staff understands the importance of developing this state evaluation tool, so that teachers who have not had a performance assessment or received a Masters in their subject area are not penalized by these federal requirements of highly qualified. Ms. Farley stated that the committee would be bringing the Task Force recommendations before the Board in August.

Board FY 2003 Budget Review & Possible, Review of FY 2004 Budget: Ms. Farley stated that the 04' budget would be brought before the Board in August because of outstanding expenses of employee health insurance costs, the rent fee that has yet to be established by ADOA for the next fiscal year and retirement increases. However, Ms. Farley stated, the Board did receive an end of the fiscal year budget to review and explained that some money will be reverted back to the General Fund this year because of staff job sharing for six months and will be utilized for the next fiscal year. And, our Budget for the text year has turned out well due to the Legislature understanding that the Board requires a lump sum budget and staff thanks them for their assistance.

Board member participation as liaison to other Boards and Committees: Ms. Farley informed the Board that there are two outstanding committees that require Board member representation; one being the Legislative committee established in this last session for the review of the expansion of the technology assisted learning project and for the K-12 Center Board. She stated that Board member Hoover's term on the K-12 Center Board and the Board can appoint a representative.

Other items: Ms. Farley expressed that she would like to inform the Board on the status of CI Wilson. The school has submitted their audit, and while there are substantial issues surrounding the audits accuracy and the private auditor's inability to make a status recommendation, these issues will have to be addressed separately. In addition, the ESS unit within the Department has released their programmatic hold on federal funds from IDEA and the special monitor hired by CI Wilson has reported back to ESS on the positive progress the school

is making. At this point, staff has informed the School Finance unit within the Department to release our hold on their state funds.

Consent Items:

Upon recommendation by State Board staff, President McLean requested that Consent Item 3D be removed from the June agenda entirely and will be revisited in August, and that, Consent Item 3F be removed and placed later in the agenda for further discussions. Dr. McLean requested a motion containing these changes. Ms. Hilde made the motion to approve the consent agenda with the exception of Items 3D and 3F. Ms. Basha seconded the motion. With no discussion. Motion carried.

Consent Items
Approved

▫ *Consideration to Approve Arizona Nominations for NASBE Officers*

Ms. Basha made a request to the Board that they reconsider their nomination for president-elect and nominate Mr. Waters from Nevada. Ms. Basha made a motion for this change to the agenda item and then to proceed with the other nominations. Dr. Diethelm agreed with Ms. Basha and stated that he has worked with Mr. Waters on NASBE activities and fully supports his election to president-elect. Dr. McLean asked for any discussion. Seeing none, he asked for a vote. Motion carried.

NASBE Officer Nominations
Approved

Public Comments

President McLean moved to the Call to the Public.

Kelly Powell (Madison School District): spoke on the extension of the NRT contract, cautioning the Board of the continued use of these tests.

Individuals Speaking in Opposition to Superintendent Horne's ELL Guidelines:

Sal Gabaldon (Tucson Unified School District)

Anne Marie Cardinal

Rose Johns

Laura Newsom

Ricardo Reyes

Silvia Benitez (Coalition for Education)

General Session

▫ *Presentation Regarding Art Work in the Board Room, Arizona Alliance for Arts Education*

Ms. Farley introduced Dr. Gretchen Boyer, President of the Arizona Alliance for Arts Education, to the Board. She spoke on the organization's purpose and its connection to education throughout Arizona. Further, she reported on research that illustrates that arts education aids children in their progress to learn other academic subjects. The art seen throughout the Board room this month is from the annual essay contest where students write and visually illustrate how an education in the arts helps them to succeed in school, in work and in life; "Building Character through the Arts." Those on display are contest winners. Finally, members of the Arizona Arts Alliance will be attending each monthly Board meeting and Dr. Boyer suggests that the Board fully use the services that they provide.

Discussion/ Presentation

-Dr. McLean reiterated that he has moved Agenda General Session Item 5J to be heard after 5C.

▫ *Consideration to Approve the Early Childhood Education Standards*

Ms. Karen Woodhouse, Deputy Associate Superintendent for Early Childhood, stated that at the SBE March meeting the Early Childhood unit introduced a draft of standards to familiarize the members on this issue. She further stated that these standards are in alignment with the Arizona Academic Articulated K-12 standards. Ms. Woodhouse requests that the Board approve this document so that the Early Childhood unit can use these standards as a resource to provide assistance to Pre-K programs through-out the state, both for public and private programs; i.e. special education early childhood, family literacy, Title I Pre-K, and Early Childhood Block Grant. Ms. Basha stated her great enthusiasm with these standards and that they are a very important feature in our education effort. Ms. Hilde stated that these standards should, in some way, be available for those families who are unable to send their children to a quality Pre-K program. Mr. Horne congratulated Ms. Basha for all of her efforts on this project. Dr. McLean asked for a motion. Ms. Basha moved to adopt the Early Childhood Education Standards as printed and presented to the Board. Dr. Diethelm seconded. No discussion. Motion carried.

Approved
Early Childhood Education Standards

▫ *Consideration to Open the Docket for R7-2-612 & R7-2-613 regarding Early Childhood Teacher Certification and Endorsement*

Ms. Woodhouse stated that she is not only representing the Early Childhood ADE unit with this topic, but a large consortium of organizations, both public and private, are behind this certification. This rules package will hold Pre-K teachers to a uniform set of standards for achieving certification with assistance from teacher prep courses focusing on early childhood education. Ms. Woodhouse stated that currently there is no standard for Pre-K teachers, even in public schools. Ms. Woodhouse requested that the Board accept this consideration to opening a rules docket on early childhood certification and endorsement. Ms. Basha made the motion to open the docket for the State Board of Education Rules R7-2-612 & R7-2-613 regarding early childhood teacher certification and endorsement. Ms. Hilde seconded. No discussion. Motion carried

Approved
Docket Opening
Early Childhood Teacher
Certification and Endorsement

▫ *Discussion and Consideration to Approve AZLEARNS Modifications (additional information in Board Handouts)*

1. *Calculation of growth point groupings of high school math*

Dr. Laczko-Kerr relayed to the Board that based on last month's meeting recommendations, the baseline mathematics score be based solely on 2001 data that we utilize the appropriate methodology to calculate the growth point groups for high school mathematics. The calculation would use a three-year rolling average, which is consistent with all other subject grade calculations for growth point groupings. Mr. Horne moved adopting the growth point calculations for high school math as presented by the ADE. Dr. Diethelm seconded. Carried.

Approved
Growth Point Groupings
High School Math

2. *Cut point setting for baseline groupings*

Removed Item

Dr. Laczko-Kerr presented to the Board the appropriate methodology to establish new cut point values for the baseline groupings for all subjects and grades on a 1-6 scale. The methodology will be calculated by the Department of Education through: 1. Calculate the baseline value for each school (traditional and charter) by subject and grade, 2. The state average and standard deviation will be determined based on the baseline values, 3. The cut points for each subject/grade will be set using the $\frac{1}{2}$ and 1 standard deviation as benchmarks (consistent with the AZLEARNS formula last year).

For Consideration in August

Dr. Diethelm and Dr. Crow had several questions about the calculation. Dr. Diethelm requested to see more uniformity and requested that the parameters be set by the Department of Education. After much discussion the Superintendent made a motion to remove this item from the agenda and revisit it in August. Motion seconded by. Carried.

3. AYP additional indicators setting threshold and gain values

Approved
AYP Additional Indicators

Dr. Laczko-Kerr reported to the Board that the threshold and gain expectations required by No Child Left Behind should be consistent with existing expectations set forth by the ADE's School Finance division, and the USDOE. NCLB requires that schools either meet the threshold set for these additional indicators or meet the expected gain set for these additional indicators. Dr. Laczko-Kerr stated AYP for elementary would be based on attendance and recommended 94%. Additionally, the USDOE requires a 4year graduation rate. The AYP indicator for high school will be the graduation rate set at a four-year state average- recommended 71%. Finally, the expected rate of gain for both elementary and secondary AYP indicators is recommended for a 1% increase annually.

After several questions from Board members as to the practicality of these recommended values for AYP, Mr. Horne made the motion to approve the adoption of AYP additional indicators, threshold rate, and gain values for elementary and high schools as presented by ADE staff. Ms. Hilde seconded the motion. Carried. Dissenting vote, Dr. Michael Crow.

4. Inclusion of special needs students in the AYP formula

Approved
Inclusion of Special Needs Students
In AYP formula

Dr. Busenbark reminded the Board that NCLB requires each student to be assessed against state standards. After discussion with stakeholders, the recommendations provided to the Board were developed as the best practices to assessing students with disabilities. Dr. Busenbark stated that these recommendations are for AIMS only and that SAT9 should remain intact. Dr. Busenbark recommended the SBE

1. Broaden acceptable accommodations to include standard and non-standard accommodations. Standard: are changes in the routine conditions under which students take AIMS, and do not substantially change the instructional level, content or performance criteria. Non-Standard: reflect changes in the test administration or in the way a student responds to test questions- involves substantial changes and altering what the test measures. 2. Students with IEP's may be considered for standard and non-standard accommodations as well as

alternate assessment. Students with 504 plans may only be considered for standard. 3. Maintain AIMS results taken from standard and non-standard accommodations to be included in results of students who took these test under standards conditions at the school, district, and state level. Reporting of the non-standard scores cannot be interpreted in the same manner as the standard results. Mr. Horne moved to approve the adoption of standard and non-standards accommodations as acceptable assessment accommodations for special needs students. Students who have an IEP may be considered for standard and non-standard accommodations as well as alternate assessment. Students with a 504 plan may only be considered for standard accommodations. AIMS results taken with standard and non-standard accommodations shall be included in the results with students who took these tests under standard conditions, at the school, district and state level. Dr. Crow seconded the motion. Carried

▫ *Presentation, Discussion and Consideration to Approve Revisions to the High School Social Studies Academic Standards*

Dr. Pat Loughrin, Deputy Superintendent of Public Instruction for Standards and Accountability, introduced this item to the Board stating that this item addresses concerns that high school social studies standards omit the study of the Revolutionary War, the Declaration of Independence, the Constitution- Founding Fathers, and the Greco-Roman period. Dr. Loughrin stated that the last time students study these periods of history is in the 6th and 7th grade. The ADE compiled a task force to address this issue and recommends to provide the following revised standards to the Board. These recommended standards, once approved, will be distributed the following year to schools and may be implemented into their curriculum. Mr. Horne made the motion to approve the modifications to the high school social studies standards as presented to the Board. Dr. Diethelm seconded the motion. Carried.

Approved
Revised High School
Social Studies Standards

▫ *Consideration to Accept the Recommendations of the PPAC and Approve the Revocation for the Following Individuals*

1. Paul Fletcher, Case #C-2000-091

Mr. Craig Emanuel introduced this item to the Board explained the certification currently held by Mr. Fletcher and that during the 2000-2001 school year the Investigative Unit as made aware of allegations of Mr. Fletcher's inappropriate conduct with a student. The PPAC committee recommends to the Board that they revoke the certificates for Mr. Fletcher.

Dr. McLean asked if Mr. Fletcher was in the audience if Mr. Fletcher's representative was in the audience. No one was present and it was asked that this be reflected in the minutes per the President. He then called for a motion. .

a: Ms. Hoover moved to accept the PPAC's findings that Paul Fletcher engaged in conduct that was immoral or unprofessional. Ms. Hilde seconded the motion. Carried

b: Ms. Hoover moved to accept the PPAC's recommendation to revoke all teaching certificates held by Paul Fletcher and that all states and territories be so notified. Dr. Diethelm seconded. Carried

Approved
Revocation of Mr. Paul Fletcher's
State Certification

2. Denise Brittain, Case #C-99-90

Mr. Emanuel introduced this item providing Ms. Brittain's currently held certificates through the state. He stated the allegations being brought before the Board: in December of 2001, Ms. Brittain plead guilty to two counts of fraudulent schemes and harvests, each a class two felonies. She was then sentenced to seven years probation and to pay restitution to the victims in the amount of \$1,123,720.09. Ms. Brittain's conviction was based upon her unlawfully acquiring approximately \$1.1 million from more than 100 people, while acting as their financial advisor. The PPAC recommends to the Board that Ms. Brittain's certificates be revoked.

Dr. McLean asked if Ms. Brittain was in the audience or if anyone representing Ms. Brittain was in the audience. No one was present. Reflected in the minutes per the President's request. He then called for a motion.

a: Ms. Hoover made the motion to accept the PPAC's findings that Denise Brittain engaged in conduct that was immoral or unprofessional. Motion seconded by Dr. Diethelm. Carried

b: Ms. Hoover moved to accept the PPAC's recommendation and revoke all teaching certificates held by Denise Brittain and that all states and territories be so notified. . Dr.. Diethelm seconded the motion. Carried

▫ *Executive Session*

Dr. McLean moved the Board into Executive Session at 12:30 p.m.. Motioned by Dr. Diethelm, for legal consultation on the Flores Consent Decree and seconded by Ms. Hoover

The June 30, 2003 meeting reconvened after Executive Session at 1:10 p.m.

▫ *Consideration to Open the Docket for R7-2-405, 407, 610, 620 Regarding Special Education Rules, Including Braille Literacy, Educational Interpreters and Due Process Amendments*

Ms. Farley introduced this item to the Board stating that previously the Board had approved Special Education rules that, upon the request of the Superintendent, the due Pprocess amendments were removed. At this time that section and the statutorily required Braille literacy guidelines, including assessments for the blind and sight impaired are being brought before the Board. SBE staff has worked with constituencies from the sight impaired community, textbook publishers and the UofA College of Education, which offers the only teacher training courses on Braille literacy. Staff has also included some qualification standards for Educational Interpreters in response to a loud outcry from constituents for the necessity of these standards, as Arizona currently does not have a minimum set of qualifications for interpreters who communicate through sign language. Finally, the staff has circulated these rules through the various venues and plans to bring a Notice of Proposed rulemaking to the Board at the August Board meeting. Dr. Crow moved to open the docket for the State Board of Education Rules R7-2-405, R7-2-407, R7-2-610, R7-2-620 regarding

Approved
Revocation of Ms. Denise Brittain's
State Certification

special education rules, including Braille literacy, educational interpreters and due process amendments. Ms. Hoover seconded the motion. Carried.

▫ *Presentation, Discussion and Consideration to Approve the Application Process for the Technology-Assisted Project-Based Instruction Program (TAPBI) for School Year 2003-2004*

Ms. Farley introduced this item stating that interest in this program was peaked by several newspaper articles. Additionally, Ms. Farley reported on the previously approved four schools that were developing the TAPBI program on a pilot basis. The Legislature introduced a continuation of the 1998 approved TAPBI pilot program this session by expanding the program by five additional traditional schools selected by the State Board. Ms. Farley briefly discussed the new legislation and how it was implemented into the proposed State Board application. Ms. Hilde made the motion to approve the application process for the Technology-Assisted Project-Based Instruction Program (TAPBI) for school year 2003-04 including the following: 1) Approve the application package, statement of assurances and timeframe proposed and 2) Approve the application review process of a quality application review and evaluation team to be assembled to meet and score the applications and forward the scored applications and recommendations to the Board for consideration. Representation should reflect the general make-up described in the Board materials. Motion seconded by Dr. Diethelm. Carried.

Approved
Technology-Assisted Project-Based
Instruction Program
Application/Review Process

▫ *Presentation and Discussion Regarding the Accountability Workbook Submitted to the US DOE as Required by No Child Left Behind*

Mr. Garrett Holm reported to the Board that the NCLB accountability workbook for Arizona has been approved by the Federal USDOE. Mr. Holm's presentation revolved around two specific items that he felt the Board members should be aware of. The first being the negotiations between the Federal USDOE lasted until the 11th hour, because the ADE wanted to achieve everything appropriately for Arizona's students. And, secondly that there a large interest has developed in the accuracy of data for determining AYP. ADE has announced the pre-slug labels to be used in future test administrations to prevent misidentification from one year to the next (i.e. one year reporting as a male, and the next, reporting as a female). With no questions. Dr. McLean thanked Mr. Holm for his presentation to the Board.

Presentation/Discussion Only

▫ *Discussion and Consideration to Approve the Definition For Persistently Dangerous Schools and Methodology for Classification as Required by the No Child Left Behind Act*

Dr. Kerr reported to the Board about the persistently dangerous schools legislation in NCLB. She then turned the presentation over to Ms. Levinson, ADE school safety consultant. Ms. Levinson presented the material provided to the Board pointing out the modifications made as requested at the previous Board meeting and was available for questions. Several members, including President McLean, questioned the definition parameters and the umbrella affect these definitions may

Approved
Definition for Persistently
Dangerous Schools

have on schools, districts, and the state. Dr. McLean asked for a motion to approve. Ms. Hilde moved to approve the definition for “persistently dangerous schools” and methodology for classification as presented and as required by the No Child Left Behind Act. Dr. Crow seconded the motion. With no discussion. Carried.

- *Consideration to Approve State Board ISA with the State Board for Charter Schools for Oversight and Assistance Services Required by Charter Schools Sponsored by the State Board in the Same Manner as Provided to Schools Sponsored by the Charter Board*

Ms. Farley reported to the Board on the ISA required by the Legislative budget that transfers all oversight and application of Charters from the State Board of Education to the State Board for Charter Schools. That includes all services sponsored by the Board. This Interagency Service Agreement has been drafted by staff, with advice from legal counsel, in order to have this service ready for the beginning on the new fiscal year, which starts tomorrow. Upon suggestion of legal counsel, Ms. Farley clarified that the Charter Board Executive Director will now have the authority to make modifications to existing charter contracts that were granted through this Board as well as other procedural modifications. Ms. Farley asked the Board for a recommendation to approve the ISA and grant the stated flexibility to the State Board for Charter Schools Executive Director. Dr. Diethelm moved to approve the ISA with the State Board for Charter Schools with the inclusion of flexibility granted through the ISA with the Charter School Board. Carried.

Approved
ISA with State Board for
Charter Schools

- *Adjourn*

Dr. McLean asked for a motion to adjourn. Motion by Horne. Seconded by Dr. Crow.